



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

AUG 18 2006

REPLY TO THE ATTENTION OF:

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Karl Heidelhoff, President
Remelt Services Inc.
6560 Juniata Avenue
Cleveland, Ohio 44103

Dear Mr. Heidelhoff:

Enclosed is a file stamped Consent Agreement and Final Order (CAFO) which resolves the Remelt Services Inc. matter, Docket No. CAA-05-2005-0052. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on AUG 18 2006.

Pursuant to paragraph 9 of the CAFO, Remelt Services Inc. must pay the civil penalty within 30 days of AUG 18 2006. Your check must display the case docket number, CAA-05-2005-0052, and the billing document number, 2750603A007.

Please direct any questions regarding this case to Mark Palermo, Associate Regional Counsel, at (312) 886-6082.

Sincerely yours,

William MacDowell
Section Chief (MN/OH)

Enclosure

ARD
EDMS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:) Docket No. CAA-05-2005-0052
)
Remelt Services, Inc.) Proceeding to Assess a Civil
Cleveland, Ohio) Penalty under Section 113(d)
Respondent.) of the Clean Air Act,
42 U.S.C. § 7413(d)
_____)

Consent Agreement and Final Order

1. Complainant, the Director of the Air and Radiation Division, United States Environmental Protection Agency, Region 5 (U.S. EPA), brought this administrative action seeking a civil penalty under Section 113(d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(d).

2. On September 28, 2005, U.S. EPA filed the complaint in this action against Respondent Remelt Services, Inc (Remelt). The complaint alleges that at its facility in Cleveland, Ohio, Remelt was more than 16 months late in meeting the Subpart RRR NESHAP requirement to install a temperature monitoring system and data logger for its afterburner emission control system for dioxin and furans, as required by 40 C.F.R. § 63.1510(g); failed to keep records of afterburner operating temperature, as required by 40 C.F.R. § 63.1517(b)(2) for at least 16 months; failed to consistently maintain the afterburner emission control device at a minimum operating temperature of 1,600 degrees Fahrenheit, as

required by 40 C.F.R. §§ 63.1505(f)(1) and 63.1506(h), between September 2004 and October 2004; was more than 17 months late in submitting to regulatory authorities an operation maintenance and malfunction plan for the afterburner, as required by 40 C.F.R. § 63.1510(b); and failed to submit notification of compliance status, as required by 40 C.F.R. § 63.1515(b), by May 23, 2003.

3. Remelt filed an answer on December 29, 2005 and requested a hearing under Section 113(d)(2) of the Act, 42 U.S.C. § 7413(d)(2).

Stipulations

4. Remelt admits the jurisdictional allegations in the complaint and neither admits nor denies the factual allegations in the complaint.

5. Remelt waives any right to contest the allegations in the complaint and its right to appeal this consent agreement and final order (CAFO).

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

7. The parties agree that settling this action without further litigation, upon the terms in this CAFO, is in the public interest.

Civil Penalty

8. In consideration of the particular circumstances of this case and Respondent's ability to pay, U.S. EPA agrees to mitigate the proposed penalty of \$119,822 to \$10,000.

9. Remelt must pay the \$10,000 civil penalty by cashier's or certified check payable to the "Treasurer, United States of America," within 30 days after the effective date of this CAFO.

10. Remelt must send the check to:

U.S. Environmental Protection Agency
Region 5
P.O. Box 371531
Pittsburgh, PA 15251-7531

11. A transmittal letter, stating the Respondent's name, complete address, the case docket number, and the billing document number must accompany the payment. Respondent must write the case docket number and the billing document number on the face of the check. Respondent must send copies of the check and transmittal letter to:

Attn: Regional Hearing Clerk, (E-13J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3511

Attn: Compliance Tracker, (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3511

Mark Palermo, (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5

77 West Jackson Blvd.
Chicago, Illinois 60604-3511

12. This civil penalty is not deductible for federal tax purposes.

13. If Remelt does not pay timely the civil penalty, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States' enforcement expenses for the collection action under Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

14. Interest will accrue on any overdue amount from the date payment was due at a rate established under 31 U.S.C. § 3717. Remelt will pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. Remelt will pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue according to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter.

General Provisions

15. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the September 28, 2005 complaint.

16. This CAFO does not affect the right of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

17. This CAFO does not affect Remelt's responsibility to comply with the Act and other applicable federal, state and local laws, and regulations. Except as provided in paragraph 15 above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by Complainant.

18. This CAFO constitutes an "enforcement response" as that term is used in "U.S. EPA's Clean Air Act Stationary Source Civil Penalty Policy" to determine Remelt's "full compliance history" under Section 113(e) of the Act, 42 U.S.C. § 7413(e).

19. The terms of this CAFO bind Remelt, and its successors, and assigns.

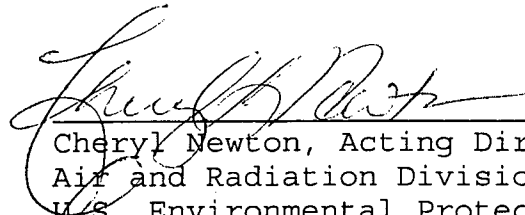
20. Each person signing this consent agreement certifies that he or she has the authority to sign this consent agreement for the party whom he or she represents and to bind that party to its terms.

21. Each party agrees to bear its own costs and attorneys' fees in this action.

22. This CAFO constitutes the entire agreement between the parties.


U.S. Environmental Protection Agency, Complainant

8/15/06
Date


Cheryl Newton, Acting Director
Air and Radiation Division
U.S. Environmental Protection
Agency, Region 5 (A-18J)

Remelt Services, Inc., Respondent

8/7/06
Date


Karl Heidelhoff, President
Remelt Services, Inc.

CONSENT AGREEMENT AND FINAL ORDER

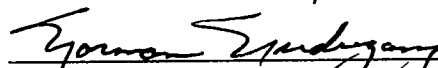
Remelt Services, Inc.

Docket No. CAA-05-2005-0052

Final Order

It is ordered as agreed to by the parties and as stated in the consent agreement, effective immediately upon filing of this CAFO with the Regional Hearing Clerk. This final order disposes of this proceeding pursuant to 40 C.F.R. § 22.18.

8/17/06
Date


Bharat Mathur
Acting Regional Administrator
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3511

CERTIFICATE OF SERVICE

I, Loretta Shaffer, certify that I hand delivered the original of the Consent Agreement and Final Order, docket number CAA-05-2005-0052 to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, and that I mailed correct copies by first-class, postage prepaid, certified mail, return receipt requested, to Remelt Services Inc. by placing them in the custody of the United States Postal Service addressed as follows:

Karl Heidelhoff, President
Remelt Services Inc.
6560 Juniata Avenue
Cleveland, Ohio 44103

on the 18th day of August, 2006.

US ENVIRONMENTAL
PROTECTION AGENCY
REGION 5

6 AUG 18 AM 0:57

REGION 5

Shanee Rucker for

Loretta Shaffer, Secretary
AECAS (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 1447 8850